No. 1281

IN THE

Supreme Court of the United States

OCTOBER TERM, 1966

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,
Petitioner,

v.

FEDERAL POWER COMMISSION, TRANSCONTINENTAL GAS PIPE LINE CORPORATION AND TEXACO INC.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

TEXACO INC. BRIEF IN OPPOSITION TO MOTION FOR LEAVE TO FILE BRIEF *AMICI CURIAE* OF NORTHWEST JERSEY NATURAL GAS, INC., ET AL.

Rule 42(1) of this Court expressly provides that motions for leave to file briefs *amicus curiae* in support of petitions for writs of certiorari *are not favored.*

Texaco's Eagle Point Refinery is not located in Movants' franchised service areas and, therefore, Movants are not capable of rendering an alternative competitive gas service. Accordingly, they have been in no manner aggrieved by the decisions rendered by the Commission and court below.

Rule 42(3) requires motions for leave to file to concisely set forth the facts or questions of law that have not been adequately presented by the parties. Petitioner, Public Service Electric and Gas Company, is a gas distributor whose interests and business operations are similarly situated with those of Movants. There has been no showing that the interests of Movants will not be fully and adequately protected by Petitioner.

The arguments contained in the motion and brief filed by Movants are substantially identical to those contained in the petition for writ of certiorari filed by Public Service Electric and Gas Company in No. 1281. There has been no showing why an essentially duplicative presentation would be beneficial to the Court and justify an exception to the general rule that motions for leave to file briefs *amicus curiae* in support of petitions for writs of certiorari are not favored.

The motion should be denied.

Respectfully submitted,

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